

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KNOWLTON, et al.,

Plaintiffs,

v.

COUNTY OF MORRIS, et al.,

Defendants,

Civil Action No. 05-1989 (KSH)

RUIZ,

Plaintiff,

v.

COUNTY OF MORRIS, et al.,

Defendants,

Civil Action No. 05-1825 (DRD)

FREID,

Plaintiff,

v.

COUNTY OF MORRIS, et al.,

Defendants,

Civil Action No. 05-3244 (KSH)

O'BRIEN,

Plaintiff,

v. COUNTY OF MORRIS, et al., Defendants, _____	: : : _____ : : : :	Civil Action No. 05-4910 (KSH)
---	---------------------------------------	--------------------------------

ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of letter dated January 20, 2008, regarding plaintiff Knowltons' alleged failure to produce testing and raw data collected by his expert, which is needed for the deposition of the plaintiff's expert, which is set to occur on January 21, 2008; and for the reasons set forth herein; and for good cause shown,

IT IS ON THIS 22nd day of January, 2008

ORDERED that if the plaintiff's expert did not produce the testing and data that his expert collected and considered, then the defendants shall have leave to re-open the deposition of the expert. Plaintiff will be required to pay all costs (but not legal fees) associated with reopening the deposition.¹

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE

¹ Plaintiff has been on notice of defendants' request for the data for sometime. In addition, at plaintiff's request, the deadline to complete the expert's deposition was extended. There has been sufficient time for plaintiff to produce the requested data and if it is not produced in advance of the deposition, the defendants will be unable to ask the expert about it. Therefore, since the failure to produce the data rests with the plaintiff and the defendants are entitled to review the data and ask the expert about it, then the plaintiff shall pay the costs associated with resuming the deposition to ask the expert about it. While the plaintiff is not required to pay the legal fees associated with the resumed deposition since that time would have been spent regardless of when the materials were produced, the defendants should not be obliged to pay the costs for re-engaging the court-reporter or the expert fees associated with the resumed deposition.